

REMARKS/ARGUMENTS

The Office action dated December 15, 2004, and the references cited therein have been carefully reviewed.

As a preliminary matter, the Office action and the rejections raised therein were discussed between the examiner and the undersigned during a personal interview on March 10, 2005, for which, the undersigned would like to thank the examiner for taking the time to discuss this case and for the examiner's helpful comments and suggestions.

As a result of the Office action, the drawings are objected to for not showing the laser beam means and the 45 degrees angle between the first leg and the second leg. Submitted herewith for approval by the examiner is one Replacement Sheet of drawings illustrating the laser beam producing device. However, Applicant respectfully submits that the angle Θ is shown in Fig. 1, and may be 90 or 45 degrees, as stated in the detailed description. No new matter has been added.

Claims 1-4 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 5, 933,973 to Walters. Moreover, claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walters in view of U.S. 6,430,826 to Sigl. And claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walters in view of U.S. 5,481,809 to Rooney. These references have been carefully reviewed but are not believed to show or suggest Applicant's invention as now claimed in any manner. Examination and allowance of the newly claims is therefore respectfully requested in view of the following remarks.

According to MPEP 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Moreover, according to MPEP 2143.03, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

By the above amendment, claims 1-10 have been canceled without prejudice or disclaimer and new claims 11-18 have been added to better define and claim the invention over the prior art. No new matter has been added.

New claim 11 recites "a plumb bob bracket, comprising: a first leg having a first panel and a second panel attached to said first panel along a common edge and defining a space therebetween; a second leg having a first panel and second panel attached to said first panel along a common edge and defining a space therebetween; said first leg having a first end, said second having a first end, wherein said first leg first end is attached to said second leg first end at an angle; a bar member having first end attached to said first leg and a second end attached to said second leg; wherein said plumb bob bracket is removably attached to adjoining first and second beams of a stud wall in a manner that said first beam is positioned within said space between said first and second panels of said first leg, and said second beam is positioned with said first and second panels of said second leg, and said bar member remains in a substantially horizontal position."

Walters discloses a triangular-shaped plumb tool 1 having first leg 6, a second leg 7, and a third leg 8 extending between the first leg 6 and the second leg 7. Each of the first, second, and third legs has a solid and rectangular cross-

sectioned configuration. Moreover, a magnetic strip 28 attached to the first leg 6 and is used for removably attaching the plumb tool 1 to a metal member 16 that needs to be plumbed. Clearly, none of the legs of the Walters' plumb tool includes a first panel and a second panel attached to the first panel in manner that defines a space therebetween for receiving a stud wall beam therein, as now required by new claim 11. Moreover, the manner that Walters' plumb tool is attached to a support that needs to be plumbed is by the use of a magnetic strip attached to the one of the legs, not by utilizing both legs in a substantially horizontal position. Therefore, in view of the foregoing, it is respectfully submitted that claim 11 is now patentably distinguishable over the Walters reference.

None of the other cited prior art references, taken individually or in combination, addresses the shortcomings of the Walters reference.

Claims 12-18 are substantially of the same scope as the original claims 2-10. Claims 12-17 are dependent from claim 11 and are believed to be allowable for the same reasons as claim 11. Also, claim 18 is similar to claim 11 but claimed as a combination and, therefore, is believed to be allowable for the same reasons as claim 11.

The prior art references made of record by the examiner have each been considered but are not believed to obviate against the allowability of the newly added claims. It is noted that none of these references have been specifically applied by the examiner against any of the original claims.

Each issue raised in the Office action dated December 15, 2005, has been addressed and it is believed that claims 11-18 are in condition for allowance.

Wherefore, examination and allowance of these claims is earnestly solicited.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
DENNISON, SCHULTZ,
DOUGHERTY & MACDONALD

By. 

Amir H. Behnia
Reg. No. 50,215
(703) 837-9600 Ext. 16

IN THE DRAWINGS:

Submitted herewith for approval by the examiner is one Replacement Sheet of drawings with proposed changes.